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August 12, 2013  
VIA ECF

Hon. Brian M. Cogan, U.S.D.J.  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: ***Regarding Potential Fact Witnesses***  
***Linde, et al. v. Arab Bank, PLC, Case No. 04-CV-2799 (BMC) (VVP) and related***  
***cases***<sup>1</sup>

Dear Judge Cogan:

Pursuant to the Court's July 31, 2013 Minute Order, Defendant Arab Bank plc ("Arab Bank" or "the Bank") submits the following proffer regarding one of the fact witnesses identified in the joint Pre-Trial Order ("Joint PTO") dated July 1, 2013 (ECF No. 967), Major General (ret.) Gadi Shamni, the former Commander of the Israel Defense Forces ("IDF") in Judea and Samaria (*See* Joint PTO, 27-29). The Bank hereby withdraws its designation of Amichai ("Ami") Ayalon, the second newly-designated witness discussed at the hearing before your Honor on July 30, 2013.

**Major General (ret.) Gadi Shamni**

***Background***

Major General Shamni recently retired as the Israel Defense and Armed Forces Attaché to the United States and Canada. He joined the military as a member of the Paratroopers' Brigade in 1977 and, over the course of almost thirty years, received a number of promotions, rising to the level of Major General and becoming the military secretary to Prime Ministers Ariel Sharon and Ehud Olmert. He was promoted to Brigadier General in 2001, and subsequently made Chief of the Infantry and Paratrooper Corps. Two years later, Major General

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<sup>1</sup> The following related cases have been consolidated with *Linde* for the purposes of discovery and other pretrial proceedings: *Little, et al. v. Arab Bank, PLC*, No. CV-04-5449 (E.D.N.Y. 2004) (NG)(VVP); *Almog, et al. v. Arab Bank, PLC*, No. CV-04-5564 (E.D.N.Y. 2004) (NG)(VVP); *Coulter, et al. v. Arab Bank, PLC*, No. CV-05-365 (E.D.N.Y. 2005) (NG)(VVP); *Afriat-Kurtzer, et al. v. Arab Bank, PLC*, No. CV-05-388 (E.D.N.Y. 2005) (NG)(VVP); *Bennett, et al. v. Arab Bank, PLC*, No. CV-05-3183 (E.D.N.Y. 2005) (NG)(VVP); *Roth, et al. v. Arab Bank, PLC*, No. CV-05-3738 (E.D.N.Y. 2005) (NG)(VVP); *Weiss, et al. v. Arab Bank, PLC*, No. CV-06-1623 (E.D.N.Y. 2006) (NG)(VVP); *Jesner, et al. v. Arab Bank, PLC*, No. CV-06-3869 (E.D.N.Y.) (NG)(VVP); *Lev, et al. v. Arab Bank, PLC*, No. CV-08-3251 (E.D.N.Y. 2008) (NG)(VVP); and *Agurenko, et al. v. Arab Bank, PLC*, No. CV-10-626 (E.D.N.Y. 2010) (NG)(VVP).



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Shamni became the commander of the Gaza Division, during which he led a campaign to fight Hamas in the Gaza Strip. He became the Director of the Operations Division of the IDF General Staff in 2004 and held that position during the 2005 disengagement from the Gaza Strip.

In 2005, he was promoted to Major General. In 2007, he became the head of the Central Command, which administers Jerusalem as well as Judea and Samaria. In that capacity, he was responsible for the IDF presence in the West Bank and at the Israeli-Jordanian border. Major General Shamni also led additional campaigns against Hamas while strengthening cooperation with the Palestinian Authority. Suicide attacks from the west bank into Israel were totally thwarted during his tenure as Central Command Commander.

Major General Shamni holds a Bachelor of Arts degree in Economics and Political Science from the University of Bar Ilan, and a Master of Arts degree in National Defense from the University of Haifa. He also graduated from the IDF Staff and Command College and has pursued course studies at the U.S. Army Special Forces Center in North Carolina and the U.S. Army War College in Carlisle Barracks, Pennsylvania.

***Proffered Testimony***

Major General Shamni will provide factual testimony that will rebut the conclusions of Plaintiffs' experts Levitt and Spitzten. He will testify about his personal knowledge of the fact-gathering, intelligence, and military resources of the IDF, and the ways in which the IDF deployed these resources to monitor and investigate the charitable organizations placed in issue by Plaintiffs, as well as other entities and individuals that held accounts at financial institutions in the West Bank and Gaza Strip. Major General Shamni will further testify that the IDF conducted an investigation at his direction and found no evidence that Arab Bank or any of its employees were involved in any way in terrorist activities, or funded terrorism, whether regarding accounts maintained by it in the West Bank and Gaza, or in general.

To the extent that this Court permits the plaintiffs to elicit evidence about the seizure and confiscation of account balances maintained at the Bank and other financial institutions in the Palestinian Territories, Major General Shamni will rebut the conclusions of Levitt and Spitzten concerning such operations as performed by the IDF in the West Bank and Gaza. By way of example, Spitzten notes that "[o]n February 25, 2004, IDF forces raided banks in Ramallah and seized funds belonging to a number of committees identified with Hamas and the Palestinian Islamic Jihad, including funds belonging to the [Ramallah-Al Bireh Zakat Committee]." See Expert Report of Arie Dan Spitzten at 141 (ECF No. 808-3); *Id.* at 160; 278 (stating that the account of a Lebanese-based organization was "targeted by the Israeli security forces when they raided bank branches in Ramallah on February 25, 2004 (including Arab





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Bank).”). Levitt also references seizure and confiscation operations conducted by the IDF. Expert Report of Matthew Levitt at 93 (ECF No. 820-3).

Major General Shamni has knowledge of the seizure and confiscation of funds from accounts maintained at Arab Bank branches in Ramallah on February 25, 2004. He will provide testimony about this event and the fact that it yielded no evidence suggesting or establishing that Arab Bank was involved in any way with terrorist activities.

He will also testify as to his personal awareness and knowledge of charitable organizations discussed by Levitt and Spitzzen in their expert reports.

Very truly yours,

**DLA Piper LLP (US)**

A handwritten signature in blue ink, appearing to read 'Shand S. Stephens', written over the printed name.

Shand S. Stephens

SSS:/rm

cc: Magistrate Judge Viktor V. Pohorelsky (by hand delivery)  
All counsel of record (by email)

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